Funding Technical Guidance for Independent Specialist Providers for 2010/11

December 2009

Of interest to everyone involved in delivering LSC-funded provision for learners with learning difficulties and/or disabilities up to and including the 31 March 2010
Further information
For further information, please contact the appropriate Learning and Skills Council office. Contact details for each office can be found on the LSC’s website: www.lsc.gov.uk.

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To specify the LSC’s requirements in relation to evidence, data and the processing of claims for the funding of learners with learning difficulties and/or disabilities

This document is to be read in conjunction with the relevant LSC Contract for Education and Training.

For action
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Funding Methodology

Introduction

1 This document has been produced to aid independent specialist providers in their use of the contact hours approach to learner matrix assessments which is required for all learners. Independent specialist providers are required to follow the overall methodologies contained within this document, and, where stipulated, are required to follow the methodologies concerning exceptional funding. In addition, independent specialist providers are required to ensure that whatever methodology they choose to adopt to define and track hours of support delivered to learners is robust, appropriately evidenced, effectively monitored and available to the Learning and Skills Council (LSC). Further details and examples are provided below.

2 This guidance will remain in place until 31 March 2010, after which the LSC will cease to exist. During 2010, further guidance will be published, setting out the procedures and criteria by which local authorities, from 1 April 2010, will fulfill their legal duties and powers in relation to securing provision for learners with learning difficulties and disabilities at Independent Specialist Providers in 2010/11, under the Apprenticeships, Skills, Children and Learning Act 2009.

Context

3 Independent specialist providers are required to assess learners as part of their pre-entry assessment procedures, and to confirm each learner’s support needs as part of the existing review report processes. This technical document underpins the processes outlined in Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11 (LSC, December 2009), and where necessary refers to the relevant paragraphs of that guidance.
Contracts

4 Learner assessments:

- detail the support that an individual learner requires, and are not merely a reflection of generic service(s) that the independent specialist provider delivers

- are the basis for defining the detail contained within each individual learner schedule, which will be issued annually, and are a contractual requirement

- must be reviewed annually to inform learner review reports and more frequently where required and/or appropriate (for example, change in circumstances)

- support the consideration of a reduction in support needs (thus evidencing progression) and where appropriate the reasons for there being no change.

5 Learner reviews:

- must be carried out at the end of the learner’s first term and in the summer term of each subsequent year of funding including the learner’s final period of funding

- should include details of progress against the learner’s transition plan

- must be received by the LSC no later than four weeks after their completion

- inform future funding decisions and the issue of the individual learner schedule for each learner

- are the process by which a change in learner support requirements are identified.

Review reports should be forwarded to the home LSC, before 31 March 2010 or ideally by 19 March 2010. From 1 April 2010 reports should be submitted in accordance with the guidance due to be published in 2010.

6 For further information, please refer to paragraph 76 of Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11 (LSC, December 2009) and Schedule 2 of the Contract for Services Education and Training.
Contact Hours

Definition
7 The aim of the funding mechanism is to allow independent specialist providers to quantify the support, in terms of contact hours, being provided to an individual learner in a typical week of the learning programme. A typical week is defined as one in which normal teaching and support practices are maintained. It can be argued that where provision is affected by a one-off incident, support for the learner involved may be higher than normal, but this is expected to balance out over time.

8 Contact hours can only be provided by staff that are appropriately qualified or experienced, or whose job description includes the responsibilities for them to undertake a specific service that takes place with the learner. For example:

Acceptable
• residential support worker providing support to learners during an independent living skills session, supervised by a tutor
• tutor supporting a learner to attend an evening activity.

Not acceptable
• residential support worker, without the appropriate qualifications or training, providing a specific therapy session
• tutor, without appropriate medical qualifications or training, administering medical support to a learner
• nurse, without educational qualifications or training, providing a mathematics tutorial to a learner
• non direct learner contact i.e. back office, administration.

9 Contact hours can be provided to learners by staff at any time that it is identified that the learner requires support. It is envisaged that contact hours will generally be through classroom contact or contact within residential accommodation. Classroom contact includes any environment where education is being delivered. However, other areas may also have key contributors to a learner’s weekly contact hours.

10 Direct contact with a number of learners by a number of staff should be diluted into its equivalent one-to-one contact time. For example, if six learners are taught in a classroom by three staff members for one hour, each learner is calculated to be receiving one-to-one contact time equivalent to 30 minutes.

11 However, it is not always the case that each member of a group of learners receiving contact time from a number of staff receives equal contact time. A particular learner within the group may have more time devoted to their needs by the staff present.

Example scenario
• six learners are being taught in a classroom by three staff members for one hour
• learners A and B have specific needs that also require 50 per cent of the time of one additional member of staff
• learner C also receives support from one additional member of staff.

12 Table 1, on page 6, shows how the contact time of the three staff members has been allocated to the six learners. The check is that contact hours, received by the six learners, totals three hours.
Table 1: Example scenario showing total contact hours

<table>
<thead>
<tr>
<th>Learner</th>
<th>Staff member</th>
<th>Staff 2</th>
<th>Staff 3</th>
<th>Total hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>10 mins</td>
<td>30 mins</td>
<td></td>
<td>40 mins</td>
</tr>
<tr>
<td>B</td>
<td>10 mins</td>
<td>30 mins</td>
<td></td>
<td>40 mins</td>
</tr>
<tr>
<td>C</td>
<td>10 mins</td>
<td></td>
<td>60 mins</td>
<td>70 mins</td>
</tr>
<tr>
<td>D</td>
<td>10 mins</td>
<td></td>
<td></td>
<td>10 mins</td>
</tr>
<tr>
<td>E</td>
<td>10 mins</td>
<td></td>
<td></td>
<td>10 mins</td>
</tr>
<tr>
<td>F</td>
<td>10 mins</td>
<td></td>
<td></td>
<td>10 mins</td>
</tr>
<tr>
<td>Total hours</td>
<td>1 hour</td>
<td>1 hour</td>
<td>1 hour</td>
<td>3 hours</td>
</tr>
</tbody>
</table>

Contact hour bands

13 Contact hours are then further separated into two key areas:

- education and independent living skills
- care and therapy.

14 The appropriate classification of the contact time will depend on the specific needs of the learner in their specific circumstances. However, as a general guide, any session within education, training and independent living skills must have definable and measurable learning objectives within the session objectives.

15 The ranges of contact hours allowed for within each funding band are shown in Annex A.

Methodology

16 A contact hour is defined as an equivalent of one hour of direct contact by one member of staff with a single learner. For example, a contact hour is equal to one hour of one-to-one support, and an equivalent hour is two hours of support by one staff member to two learners (that is, a ratio of 1:2).

17 For the purposes of calculating contact hours, it is not necessary to consider the:

- hourly rate
- annual salary
- benefits (annual leave, pension, sick leave or sick pay); or
- contractual terms of the staff member undertaking direct contact with a single learner.

Staff training

18 Although this may be related to a staff member subsequently providing specific contact provision in the future, staff training costs and time have been assessed as part of the overarching overheads and are, therefore, already included within the costs included in overheads. **No time for training can be included in contact hours.**

Infrastructure costs

19 Independent specialist providers are reminded that the LSC expects that assessments will detail the support that an individual learner requires, and not merely reflect generic service(s) that the independent specialist provider delivers. The LSC would not, for example, expect a claim to include staff who form part of the independent specialist provider’s infrastructure such as minimum levels to meet the requirements of the Care Quality Commission (CQC). These costs are included within the overarching overheads.

20 The LSC needs to be assured that independent specialist providers are assessing, and delivering, individual programmes of learning and support services that reflect each individual learner’s needs. Independent specialist providers that submit generic learner assessments will be required to revise them and resubmit an individual assessment that reflects the learner’s individual support requirements, and states how the independent specialist provider will meet those identified needs.
2.1 No funding will be paid until an agreement is reached and an individual learner schedule (contract) is issued. Individual learner schedules are issued annually on the basis of satisfactory progress and up-to-date information on support needs provided through annual review reports. Independent specialist providers must ensure that review reports are received in time for the individual learner schedule to be created and agreed, and thus for payments to be released as set out in Schedule 2 of the Contract for Services Education and Training. From 1 April 2010 reference should be made to the guidance due to be published in 2010.
22 Outcomes of LSC Provider Financial Assurance (PFA) visits during 2009/10 revealed variations in practice on the recording and evidence to support the delivery of contact hours. As set out in Schedule 2 of the Contract for Services Education and Training, it is a contractual obligation to maintain adequate records that detail the actual contact hours delivered. In the absence of such records or evidence, the LSC may seek to implement clawback arrangements. Independent specialist providers may find it helpful to share methodologies with each other.

23 Demonstration of specific contact time should be evidenced by notes (prepared at the time or shortly after the provision or support, and signed and dated by the author) within the respective learner’s care plan or education records. Records are expected to demonstrate an accurate picture of the current and previous support being provided to the learner (that is, to cover the period of the individual learner schedule) and identify an appropriate person at the independent specialist provider who can provide further details or information, if necessary, to the LSC.

24 Evidence such as timetables, attendance records, session records, staff notes and shift records, care plans and review reports by tutors are expected to verify the contact hours record for each learner and should be retained by the independent specialist provider as per existing contractual requirements. In particular, evidence outside of the daily timetable should be maintained to verify contact time given to learners demonstrating staff to student ratios in residential houses during mornings, evenings and weekends. Records of actual support and intervention should support the average contact time claimed on the Annex N and individual learner schedules. As part of the regular cycle of visits, a PFA team will randomly select a number of learners for review at an independent specialist provider from time to time to test adherence to the individual learner schedules, and also to test out internal independent specialist provider processes for defining and monitoring support provided to learners.
Exceptional Funding

25 Contact hours provided to a learner that are in excess of the limits defined by the contact hours range (Annex A) may indicate that the learner is in need of support that requires exceptional funding. A separate claim for these exceptional needs should be made. All contact hours must constitute direct learner contact with a suitably qualified member of staff and not relate to back office or other costs e.g. reception, administration.

26 In assessing such a claim, the LSC would expect to be provided with a full breakdown of all the support provided to the individual learner, and for the independent specialist provider to clearly indicate which elements of support are considered exceptional, the associated costs of providing those elements of exceptional support and justification of why the support is needed for that learner in the circumstances. The LSC would not expect to see only the more costly elements of provision being put into the exceptional category, but for the assessment to appropriately reflect where the learner needs a considerable quantity of input. For this reason, independent specialist providers are requested to complete a form (Annex E) wherever exceptional funding is requested.

27 It is also possible that a learner’s equipment needs may require exceptional funding. Further information is given in paragraphs 55-57 of this guidance.

Changes in levels of support

Review process

28 Where there is a significant change in the support required for the learner, then the independent specialist provider may wish to consider requesting a change to the funding level in respect of the learner. It is expected that these changes will be identified within the review reporting process.

29 The LSC expects that learners’ support needs will reduce in most cases as they make progress towards their individual learning aims. Where there is no such reduction in support needs and where the support needs, and therefore the funding levels, have increased, the LSC will require clarification of the reasons from the independent specialist provider, and what steps are proposed to work towards a reduction in support needs where appropriate.

In-year changes

30 Following identification of a change in support needs, requests to change a learner’s level of funding in year (that is at any time other than through the review process) will only be considered in exceptional circumstances. The changes must be discussed and agreed with the home LSC before any changes are put in place. Changes will not be agreed retrospectively by the LSC, nor will the LSC consider requests to backdate payments beyond 28 days from the receipt of review reports and/or supporting information. The LSC will consider the request if received by the home LSC before the 31 March or ideally by 19 March 2010. From 1 April 2010, submissions should be made in accordance with guidance to be published in 2010.

More detailed guidance is available at annex E.

Supporting evidence

31 To support any request to change funding levels (whenever made), including those learners currently funded on exceptional funding levels, independent specialist providers must complete an amended Rationale of Support (Annex N of Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11) and forward it to the learner’s home LSC, together with the appropriate review report, and any other relevant evidence. This is particularly important where the change in support needs is identified outside the usual review process.

32 All review reports and supporting information, including information relating to in-year changes, must be received by the LSC no later than four weeks after their completion. The LSC will consider the request if received before 31 March 2010 or ideally by 19 March 2010. From 1 April 2010 requests should be made in accordance with the guidance to be published in 2010. The LSC will not consider requests to backdate payments beyond 28 days from the receipt of review reports and/or supporting information. It is the responsibility of the independent specialist provider to ensure that the learner’s home LSC has received the documentation.

On-programme Delivery

33 The independent specialist provider must inform the LSC if it is unable to deliver any element of support for a period of more than one calendar month that has been identified within the assessment and the subsequent issue of the individual learner schedule, and therefore bound within the contract as set out at Schedule 2 to the LSC funding agreement – contract for education and training. The LSC will not continue to fund provision which is not being delivered. Any failure by the independent specialist provider to notify the LSC of changes to the delivery of support to a learner could be considered a breach of contract, as set out at Section 18 of the general terms and conditions of the LSC funding agreement – contract for education and training.
Profiles

34 The staffing profile for an independent specialist provider will be determined primarily by the needs of its learners. Learner-facing staff will be supported by administration and support staff, the costs of which have been built into the funding methodology.

35 Independent specialist providers may wish to undertake, at least annually, a logic test that checks the total of staff contact hours claimed for the entire learner population against the total contact hours that are available to be provided by learner-facing staff at the independent specialist provider.

36 More detailed information in respect of contact time and methods of collecting data is available in Annex B of this guidance.
Clarification of Specific Issues and Variations in Practice

37 The provision of services within independent specialist providers is diverse and there are many different models in use. This section attempts to identify some of the specific issues and variations that may be encountered.

Learners attending local FE colleges or other education providers

38 Staff who accompany learners whilst they are at other providers should be included in the appropriate category, namely either ‘education and independent living skills’ or ‘care and therapy’. If staff interact with learners during the sessions, this contact time should be deemed to fall under ‘education and independent living skills’. The provider retains discretion in classifying the type of provision its staff provide, as they will understand the nature of the service level agreement that is in place that is specific to that learner and their circumstances. The LSC shall, in any event, want to see evidence and supporting data and may challenge the legitimacy of such costs if claimed in the absence of such evidence or data.

39 Contact time may also be provided by the staff at the ‘host’ provider. If the ‘home’ independent specialist provider is paying for this provision, then the amount of time should be identified and included within the learner’s contact hour records.

40 If the independent specialist provider does not pay for this provision, no contact time from the ‘host’ provider’s staff should be included.

Staffing

41 Contact hours can only be provided by staff that are appropriately qualified or experienced, or whose job description includes in the responsibilities for them to undertake a specific service that takes place with the learner. Examples are given below of various different scenarios.

Night staff

42 It is assumed that a proportion of the time worked by night staff will be contact time. However, it is viewed that this element will not be typical, or consistent, each week.

It is advised that records are obtained for each house identifying each contact hour provision. However, a discussion/assumptions paper is likely to be required to make adjustments to the learners receiving the contact time such that it reflects the average provision over the year.

43 Contact hours for night staff should only include direct contact hours, (not the number of staff and hours worked in relation to waking night duty, that is, not general apportionment of staff student ratios) such as those that are required to make necessary interventions to ensure the safety of the learners is maintained, for example, to administer medication, or turn learners during the night.

44 The data to be collected comprises:

- details of contact time provided by night staff to each learner during the week to be tracked for each residential house
- night staff rotas for each residential house for the week to be tracked
- discussion/assumptions paper dealing with loading of provision over terms.

Houseparents

45 Contact time provided by houseparents is allowable. However, it should be noted that the support provided will need to be evidenced and must be able to demonstrate that the learner requires the level of support being claimed, and that such support has in fact been provided, rather than the level of support simply being available.

Volunteers

46 Volunteers should be included if they are contracted to undertake formalised working hours and responsibilities similar to those of fully remunerated staff (see paragraphs 8-37 Annex B of this guidance). If the use of volunteers is informal and they have no obligation to provide services to the learners, they should not be included.
In addition, where a volunteer is contracted to undertake formalised working hours and responsibilities, and is providing support to a learner for whom exceptional funding is required, the detailed assessment of support must clearly specify all areas that are provided by those volunteers, and the required evidence prepared and retained (see paragraphs 13-17 of this guidance).

**Management and administrative staff**

Management staff may be able to demonstrate, and evidence as required, that a small percentage of their time is in direct contact with learners or they may teach a few sessions or conduct a number of tutorials or reviews. This contact time is acceptable. However, if these contact hours are not regular (at least weekly) or are undertaken in only one term, they need to be adjusted for the overall provision in the year and adjusted to show the contact hours for one ‘typical’ week.

Some administrative staff are likely to have contact with learners, but unless this is included in their job description and entails education and independent living skills or care and therapy (with all the associated and required safeguards), it cannot be counted as contact time because their time and costs have been included as part of overarching overheads. A valid reason for including contact time would be, for example, direct contact in supporting a learner on work placement within their office.

**Catering staff**

Catering staff certainly have contact with learners but, as with administrative staff, the only allowable contact time would be for direct contact which entails education and independent living skills or care and therapy (with all the associated and required safeguards), such as overseeing a learner undertaking work experience in their environment. Other contact time would be disallowed on the basis that it is not specific to learners and costs have been included as part of overarching overheads. The definition of catering staff does not include, for example, members of staff providing specific contact in delivering care needs for learners such as dealing with feeding tubes or support for feeding requirements.

**Technical staff**

Specific contact time, such as instructing learners how to use equipment, is allowable. However, if these contact hours are not regular, or are undertaken in only one term, they need to be adjusted for the overall provision in the year and should show the contact hours for one ‘typical’ week.

**Maintenance, cleaning and/or household staff**

Maintenance, cleaning and/or household staff are all likely to have a degree of contact with learners. As with administrative staff, the only allowable contact time would be for direct contact that entails education and independent living skills or care and therapy (with all the associated and required safeguards), such as overseeing a learner undertaking work experience in their environment. Other contact time would be disallowed on the basis that it is not specific to learners and costs have been included as part of overarching overheads.

If any other members of staff provide contact time to learners, please ensure this is recorded and can be justified and evidenced as relating to education and independent living skills or care and therapy.

The above list is not exhaustive and therefore may omit certain situations that may be unique to the independent specialist provider. The over-riding rule for these anomalies is that if there is direct contact provision, or a justifiable case for inclusion, independent specialist providers must ensure that it is fully documented so that the LSC can make an assessment of the impact that this support has on the learner.
Equipment

55. It is expected that equipment, in general, is accounted for within the independent specialist provider’s infrastructure, and thus the costs are included within the overarching overheads. However, it is recognised that, for some learners, the independent specialist provider will find it necessary to purchase additional equipment to meet the individual learner’s specific needs in order for them to participate in learning. Where a piece of equipment:

- is purchased solely for the individual learner
- will follow them in their onward progression
- is so highly specialised that it is allocated solely for use by that individual
- has no future use to any other learner.

it may be possible to request exceptional funding to support the cost of that specific piece of equipment in those circumstances.

56. If additional equipment is identified for the learner to participate in learning, it is expected that the equipment would be in place at the start of the placement. Delays in an independent specialist provider putting essential support in place should not mean that the learner’s programme would need to be extended.

57. The LSC does not expect to receive a request for funding for any equipment that will become part of the independent specialist provider’s infrastructure such as tracking for hoists, shower chairs or hearing loops. When completing Annex N of Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11 (LSC, December 2009), independent specialist providers should clearly list:

- the equipment that a learner requires
- the aspects of that equipment the learner will be providing themselves (for example, that previously used in the home or other learning environment)
- where alternative sources of funding will provide for particular pieces of equipment (for example, primary care trusts)
- where funding is sought from the LSC.

58. As part of its role to secure proper use of public funds, the LSC would also wish to see that an independent specialist provider has explored alternative equipment options, and properly researched prices before purchasing equipment for a learner. Where a learner did not require the identified specialist equipment in their previous placement, the LSC would expect the independent specialist provider to justify this additional cost. The LSC would not expect to receive an application to fund a piece of equipment part way through a learner’s programme without robust supporting evidence and reviews to demonstrate the learner’s needs and identify why the equipment is essential.

Asset acquisition

59. If the LSC funds an independent specialist provider for a particular purpose, and that purpose includes the funding of assets, then the LSC should retain an interest in those assets. This interest is primarily a financial interest, proportionate to the LSC’s funding of the asset. However, as a result of this financial interest, the LSC also reserves an interest in how the asset is disposed of. The LSC needs to retain a record of these interests in order to ensure that its interest are not prejudiced. Further information can be found in Funding Assets for Other Organisations (LSC, February 2006).
### Annex A

**Contact Hour Ranges**

#### Day Learners

<table>
<thead>
<tr>
<th>Band</th>
<th>Education and independent living skills expected hrs/wk</th>
<th>Care and therapy expected hrs/wk</th>
<th>Total volume (minimum hrs/wk)</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>4–6</td>
<td>0–1</td>
<td>5</td>
</tr>
<tr>
<td>E</td>
<td>6–8</td>
<td>0–1</td>
<td>7</td>
</tr>
<tr>
<td>F</td>
<td>8–10</td>
<td>0–2</td>
<td>9</td>
</tr>
<tr>
<td>G</td>
<td>11–15</td>
<td>0–3</td>
<td>14</td>
</tr>
<tr>
<td>H</td>
<td>11–21</td>
<td>0–13</td>
<td>20 (maximum 30)*</td>
</tr>
</tbody>
</table>

#### Residential Learners

<table>
<thead>
<tr>
<th>Band</th>
<th>Education and independent living skills expected hrs/wk</th>
<th>Care and therapy expected hrs/wk</th>
<th>Total volume (minimum hrs/wk)</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>7–10</td>
<td>4–6</td>
<td>13</td>
</tr>
<tr>
<td>E</td>
<td>8–12</td>
<td>5–7</td>
<td>15</td>
</tr>
<tr>
<td>F</td>
<td>10–20</td>
<td>5–10</td>
<td>22</td>
</tr>
<tr>
<td>G</td>
<td>14–20</td>
<td>10–14</td>
<td>31</td>
</tr>
<tr>
<td>H</td>
<td>18–29</td>
<td>14–25</td>
<td>44 (maximum 50)*</td>
</tr>
</tbody>
</table>

* This is the maximum average weekly hours funded within the band, and more hours would ordinarily qualify for exceptional support.

The 'expected hours' give a benchmark figure for the split between the two main categories. The 'total volume' is an absolute minimum standard that must be adhered to. Flexibility will exist between the two main categories.
Funding Technical Guidance for Independent Specialist Providers for 2010/11

Annex B
Effective Practice

Example Areas of Contact and Methods of Data Collection

1. The process of accurately identifying the contact hours for each learner may be simplified by splitting the learner’s day into areas where support is provided by different staffing pools. The contact hours can then be collected either through specific tracking of the learners on a ‘typical’ week or by using management data already available and management’s experience of the learners they support.

2. The examples below follow both residential and day learners through their week and identify how to capture contact data.

7am 9am: Breakfast at home (note that times may vary)

Residential learners

3. It is viewed that during this time the learners are having their breakfast, getting washed and getting dressed and ready for the day. They may also take transport to the independent specialist provider for which residential staff may escort them. In effect there are a set number of possible contact hours provided by the residential staff to the learner population in a specific house for this period of time.

4. The most straightforward way of getting an accurate picture of the contact time provided to these learners is to identify areas of exception (such as one-to-one contact time) which can be directly attributed to a specific learner. The remaining contact time provided by the staff will be apportioned over the specific house’s entire learner population using an agreed method. The method of apportionment should be discussed with an appropriately experienced staff member (such as the house manager) to ensure that the method is a fair reflection of the actual provision provided.

5. As the nature of residential support can vary significantly from week to week for each learner, it is advised that the exceptions are a fair reflection of a typical week and the average over the entire year (see paragraph 7 of this guidance).

6. Data needed to be collected if tracking a learner’s actual provision is:

- house lists
- residential staff rota for the week to be tracked
- assumption of percentage of contact time provided by residential staff (this needs to identify times where residential staff are undertaking administrative duties)
- list of exceptions agreed by the house manager for each day (tasks that may add up over the day to more than 15 minutes and are at a ratio of one staff member to one learner or higher (for example, two staff members to one learner). The exceptions should detail learners receiving exceptional support, timings of support (start/finish/duration), type of support and the number of staff providing it (it may not always be possible to identify actual staff names).

7. Data needed to be collected if using management experience and assumptions is:

- house lists
- residential staff rota for the week to be tracked
- assumption of percentage of contact time provided by residential staff (this needs to identify times where residential staff are undertaking administrative duties)
- assumption of percentage weighting of contact time that a learner receives from the residential staff (using a learner, with average needs from their cohort, as a base and assessing other learners as a percentage above or below this to build up how to allocate the contact time provided)
- learner care plans to support the weighting assumptions made by management.

Day learners

8. It is viewed that day learners do not arrive until the education timetabled sessions commence, however this may not always be the case and if day learners receive contact time before 9am, a method for capturing this information should be used.
9am 4pm: Timetabled education sessions (note these are assumed times)

Day or residential learners

9 It is viewed that the information obtainable from individual learner timetables or the independent specialist provider master timetable will allow you to build a detailed understanding of the following: when contact time occurs, other learners that are present (thus diluting the contact time available) and the staff member leading the session. Timetabled information may not always show the presence of teaching assistants so it is recommended that each session leader completes the session record at Annex C, which allows the capture of data, including learners present, staff members present, timing of session and more importantly the ratio of contact time provided by a staff member to the learners present (thus it picks up the one-to-one contact time and so on). This will also act as a check on the learner timetables.

10 An example of a completed session record could be as in Table B1 below.

Table B1: Example of a completed session record

<table>
<thead>
<tr>
<th>Activity</th>
<th>Literacy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>Monday</td>
</tr>
<tr>
<td>Room</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learner</td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td>A</td>
</tr>
<tr>
<td>B</td>
</tr>
<tr>
<td>C</td>
</tr>
<tr>
<td>D</td>
</tr>
<tr>
<td>E</td>
</tr>
<tr>
<td>F</td>
</tr>
</tbody>
</table>
In the example shown in Table B1, staff member X provides even contact time to all learners (although adjusted as learner B leaves the session halfway through), staff member Y is attached to learners A and C only due to their needs and similarly staff member Z is attached to high-needs learner E.

Data needed to be collected if tracking a learner’s actual provision is:

1. individual learner timetables
2. independent specialist provider master timetable and teaching assistants’ timetables (if available)
3. session records for each timetabled session for the week to be tracked, detailing actual provision to learners.

Data needed to be collected if using management assumptions and experience is:

1. individual learner timetables
2. independent specialist provider master timetable and teaching assistants’ timetables (if available)
3. session records for each timetabled session to be completed using session leader’s experience of usual provision to learners.

9am 4pm: Timetabled therapy sessions (note these are assumed times)

Day or residential learners

It is assumed that learners can move between different areas within the independent specialist provider during the lunch or break periods, so tracking the entire learner population is very difficult. It is suggested that the total staffing that covers each lunch and break period for each day is recorded to ascertain a total amount of lunch and break contact hours. If certain learners are provided with direct, one-to-one contact from a specific staff member this is also recorded and would be subtracted from the total lunch or break contact hours. The remaining total number of contact hours provided to the remaining learner population during lunch and breaks could then be apportioned using an agreed method that gives a fair reflection of the actual provision to the learners.

Data needed to be collected is:

1. times of breaks and lunch each day
2. number of learners on-site (exclude learners who have gone back to their house – this provision should be covered by residential staff data) at each break
3. staff providing lunch or break contact time outside the learner’s residence
4. a list of exceptions agreed by an appropriate staff member for each day (tasks that may add up over the day to more than 15 minutes and are at a ratio of one staff member to one learner or higher for example two staff members to one learner). The exceptions should detail learners receiving exceptional support, timings of support (start/finish/duration), type of support and number of staff providing it (it may not always be possible to identify actual staff names).
Medical contact time (various times throughout the day)

Day or residential learners

20 For some learners, there may be no clearly defined timetabled records of this provision, only access records, and therefore it would be most accurate for medical staff such as doctors, nurses or healthcare assistants to record their activities for a week to be tracked. The advised method of recording this is by way of maintaining a diary breaking the day down into 15-minute blocks. Each block should describe the task being undertaken and when applicable the learners involved. Please note that every staff member dealing with medical provision should undertake this recording of information. It may not be practical to request this of certain staff in the medical team and if this is the case a paper justifying contact time to specific learners should be produced with adequate evidence to support it.

21 The alternative approach is the calculation of total contact hours provided by those staff members from hours worked and experience of the proportion spent with learners. Total contact hours should then be appropriately allocated over the learner population using the experience of the specific staff members involved in the provision. Records will be required to support the assumptions made.

22 As with therapy provision, staff time may be loaded to specific learners during certain periods and may not reflect the actual average provision throughout the year. A discussion/assumptions paper to assess this issue should be produced by an appropriate staff member.

23 Data needed to be collected if tracking a learner’s actual provision is:

- medical staff diaries detailing contact time provided in the week to be tracked
- assumption of percentage of contact time provided by medical staff who have not completed diaries (this needs to identify times where medical staff are undertaking administrative duties)
- discussion/assumptions paper dealing with loading of provision over terms.

24 Data needed to be collected if using management assumptions and experience is:

- assumption of percentage of contact time provided by medical staff (this needs to identify times where medical staff are undertaking administrative duties)
- assumption of percentage weighting of contact time that a learner receives from the medical staff (using the learner with average needs as the base, assess the other learners as a percentage above or below this to build up how to allocate the contact time provided)
- discussion/assumptions paper dealing with loading of provision over terms.

25 As with therapy, session content information will not, under any circumstances, be requested by the LSC as this breaches client confidentiality.

4pm 11pm: Evening at home (note that times may vary)

Residential learners

26 It is viewed that during this time, learners are having their evening meal, undertaking evening activities, getting washed and ready for bed, or socialising, relaxing and so on. Unlike the ‘breakfast at home’ period (see paragraphs 3 to 7 of this annex), it is likely that learners may also be attending activities where contact time is being recorded separately, such as extra-curricular activities. Identification of when the learners are at home and which staff members are supporting them is needed. It may be that residential staff have taken some of the learners out for an evening activity and some learners remain with a reduced staffing provision. These movements of staff and learners should be recorded so the contact hours provided by the residential staff to the learner population in a specific house for this period of time can be calculated.

27 As with the ‘breakfast at home’ period, the most straightforward way of getting an accurate picture of the contact time provided to these learners is to identify areas of exception (such as one-to-one contact time) which can be directly attributed to a specific learner. The difference is that there will also be the removal of staff time due to their providing extra-curricular activities and the removal of learners for set times due to their attending such activities. The remaining contact time provided by the staff will be apportioned over the specific house’s entire learner population using an agreed method. The method of apportionment should be discussed with an appropriately experienced staff member (such as the house manager) such that the method is a fair reflection of the actual provision provided.

28 As the nature of residential support can vary significantly from week to week for each learner, it is advised that the exceptions are a fair reflection of a typical week and the average over the entire year.

29 Data needed to be collected is:

- house lists
- residential staff rota for the week to be tracked
- assumption of percentage of contact time provided by residential staff (this needs to identify times where residential staff are undertaking administrative duties)
• list of exceptions agreed by the house manager for each day (tasks that may add up over the day to more than 15 minutes and are at a ratio of one staff member to one learner or higher for example two staff members to one learner). The exceptions should detail learners receiving exceptional support, timings of support (start finish/duration), type of support and number of staff providing it (it may not always be possible to identify actual staff names)

• list of exceptions agreed by the house manager for each day in respect of learners and staff attending extra-curricular activities. The exceptions should detail the timings and the absences for both the staff and learners and also the reason for the absence.

Day learners

30 It is assumed that day learners do not receive any provision during the evenings from residential staff. If this is not the case, house managers should record the provision provided by their staff to day learners to ensure an accurate assessment of hours is compiled, and the appropriate funding band recorded.

Extra-curricular and other activities from 4pm onwards

Day or residential learners

31 Evidence should be obtained for the week to be tracked to support any activities provided to the learners after 4pm. The evidence should be collected by the activity leader and needs to include the learners attending the activity, the timings of the activity and staff members providing the activity. Any specific one-to-one contact time provided to specific learners should also be detailed.

32 Data needed to be collected is:

• activity record detailing time of activity, and staff and learners present for the week to be tracked

• list of exceptions such as one-to-one contact time provided to specific learners.

Weekends

With the exclusion of day learners, matrix bands are calculated on the basis of a 7 day residency.

Residential learners

33 It is assumed only the residential staff provide contact time at the weekends. The same method as ‘breakfast at home’ (paragraphs 3-7 of this annex) and ‘evening at home’ (paragraphs 26-30 of this annex) should be used to identify the contact hours provision to each learner. It has been assumed that staffing levels are required to be maintained for a full house provision even if learners are away for the weekend and therefore a dilution of the actual contact hours provided will need to be discussed.

34 If an independent specialist provider has a standard weekend policy, for example where students are expected to return home every third week, then a skeleton staff would be expected to provide adequate cover for the learners remaining in residence. This would also need to be reflected in any averaging out of support across a ‘typical’ week for each learner.

35 Data needed to be collected is:

• house lists

• residential staff rotas for the week to be tracked

• assumption of percentage of contact time provided by residential staff (this needs to identify times where residential staff are undertaking administrative duties, which are excluded from contact hours)

• list of exceptions agreed by the house manager for each day (tasks that may add up over the day to more than 15 minutes and are at a ratio of one staff member to one learner or higher). The exceptions should detail learners receiving exceptional support, timings of support (start/finish/duration), type of support and number of staff providing it (it may not always be possible to identify actual staff names).

Day learners

36 It is assumed that day learners do not receive any provision during the weekend. If this is not the case, house managers should record the provision provided by their staff to day learners as an exception.

37 All of the above examples provide a method for capturing the contact hours for each of the learners receiving the respective provision of support. The independent specialist provider will also be responsible for interpreting the data so that a final record for each learner can be produced in which there is a breakdown of learners’ weekly contact time over ‘education and independent living skills’ and ‘care and therapy’ and also by how the contact hours have been produced. An example of this is provided at Annex C of this guidance.
## Annex C

### Session Record Form

<table>
<thead>
<tr>
<th>Activity</th>
<th>Day</th>
<th>Time</th>
<th>Room</th>
<th>Arrival time</th>
<th>Leaving time</th>
<th>Reasons for leaving</th>
</tr>
</thead>
</table>

- **Staff members providing contact time**
### Annex D

**Summary of Results (Worked Example)**

<table>
<thead>
<tr>
<th>Tracked</th>
<th>Tracked</th>
<th>Management assumption</th>
<th>Management assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:1 exceptions and staff rotas</td>
<td>Session records</td>
<td>Staff contracted hours and assumption paper</td>
<td>Staff contracted hours and assumption paper</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Tracked</th>
<th>Care and Therapy</th>
<th>Education &amp; Independent Living Skills</th>
<th>Care and Therapy</th>
<th>Therapy Time Care and Therapy</th>
<th>Medical Time Care and Therapy</th>
<th>Total Contract Hours Education &amp; Independent Living Skills</th>
<th>Care and Therapy</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>8</td>
<td>12</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>15</td>
<td>18</td>
</tr>
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<td></td>
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<td>6</td>
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<td></td>
<td>0</td>
<td>0</td>
<td>12</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>12</td>
<td>6</td>
</tr>
</tbody>
</table>
Annex E
Exceptional Funding Request Summary Form

New Referrals

1 Where independent specialist providers believe that the support needs of potential learners are exceptional and fall above those described within the funding methodology, they must ensure that sufficient information is provided at the earliest opportunity as detailed at paragraph 74 of Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11 (LSC, December 2009).

2 Evidence will be required to justify the learner’s exceptional needs and show that the costs are justifiable. For this reason, independent specialist providers requesting exceptional funding are asked to complete the form at Table E1 on page 23, ‘Justification of application for exceptional funding’.

Existing learners

3 Within the learner review process, independent specialist providers may identify that the learner’s support needs have changed, and thus a request to revise funding levels may be necessary, as detailed at paragraphs 77-79 of Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11 (LSC, December 2009).

4 In these circumstances, it is expected that any request to change funding levels (including those for learners currently funded on exceptional funding levels), will be supported by an amended rationale (Annex N of Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11) and an amended Table E1 of this document and forwarded to the learner’s home LSC, with the appropriate review report and any other relevant evidence. All review reports and supporting information, including information relating to in-year changes, must be received by the LSC no later than four weeks after their completion and have been discussed and agreed in advance with the home LSC. The LSC will not consider requests to backdate payments beyond 28 days from the receipt of review reports and/or supporting information. The LSC will consider the request if sent before the 31 March 2010 and should ideally be received by 19 March. From the 1 April, requests should be made in accordance with the guidance due to be published in 2010. It is the responsibility of the independent specialist provider to ensure that the learner’s home LSC has received the documentation.

In-year changes to funding levels

5 Requests to change a learner’s level of funding in year (that is, at any time other than through the review process) will only be considered in exceptional circumstances as detailed in paragraph 78 of Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11. In these circumstances, it is expected that any request to change funding levels (including those for learners currently funded on exceptional funding levels), will be supported by an amended rationale (Annex N of Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11) and an amended Table E1 of this document and forwarded to the learner’s home LSC, with the appropriate review report and any other relevant evidence. All review reports and supporting information, including information relating to in-year changes, must be received by the LSC no later than four weeks after their completion and have been discussed and agreed in advance with the home LSC. The LSC will not consider requests to backdate payments beyond 28 days from the receipt of review reports and/or supporting information. The LSC will consider the request if sent before the 31 March 2010 and should ideally be received by 19 March. From the 1 April, requests should be made in accordance with the guidance due to be published in 2010. It is the responsibility of the independent specialist provider to ensure that the learner’s home LSC has received the documentation.
Table E1: Justification of application for exceptional funding

<table>
<thead>
<tr>
<th>Tuition and independent living skills</th>
<th>Description of staff type</th>
<th>Staff cost per hour</th>
<th>One-to-one equivalent hours per week</th>
<th>One-to-one equivalent hours per year</th>
<th>Total cost per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Include details of unpaid volunteer where applicable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table E1: Justification of application for exceptional funding (continued)

<table>
<thead>
<tr>
<th>Tuition and independent living skills</th>
<th></th>
<th></th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost of tuition and independent living skills</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Care and therapy</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of staff type</td>
<td>Staff cost per hour</td>
<td>One-to-one equivalent hours per week</td>
<td>One-to-one equivalent hours per year</td>
</tr>
<tr>
<td>Include details of unpaid volunteer where applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total cost of care and therapy</th>
<th></th>
<th></th>
<th>£</th>
</tr>
</thead>
</table>
Table E1: Justification of application for exceptional funding (continued)

<table>
<thead>
<tr>
<th>Description of equipment</th>
<th>Is the equipment for care and therapy?</th>
<th>Is the equipment for independent living?</th>
<th>Is the equipment the learner’s own equipment?</th>
<th>Is the equipment part or fully funded from another agency (see below)?</th>
<th>Exceptional costs requiring LSC funding</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>No</td>
</tr>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Total cost of equipment</td>
<td></td>
<td></td>
<td></td>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>Total exceptional funding costs</td>
<td></td>
<td></td>
<td></td>
<td>£</td>
<td>£</td>
</tr>
</tbody>
</table>

Please provide further information on equipment that is part or fully funded by another agency to in support your application.

Completed by (please print name):

Position: ___________________________ Date: / /  

Telephone number: ___________________________
Annex F

References

LSC (December 2009) Funding Guidance: Placement for learners with learning difficulties and/or disabilities at independent specialist providers 2010/11.

LSC (February 2006) Funding Assets for Other Organisations.
Notes